

1 A Yes, it does, and it is our fax number.

2 Q Okay. You recognize that?

3 A The fax number, yes.

4 Q You don't have any reason to believe that that was
5 not faxed to John Black on that date, do you?

6 A Any reason not to believe it? I'm not familiar
7 with it.

8 Q Okay. I would like for you to look at Exhibit 11.

9 MS. LANCASTER: Your Honor, I would just ask --
10 this is the FCC database file on Ruth Bearden that we would
11 like to introduce by official notice, and we ask that it be
12 introduced.

13 JUDGE STEINBERG: Any objection to No. 11?

14 MR. ROMNEY: Eleven or 10?

15 JUDGE STEINBERG: She is skipping 10 until I
16 assume John Black gets on the stand.

17 MR. ROMNEY: Oh.

18 JUDGE STEINBERG: Is that right?

19 MS. LANCASTER: No, I'll move for 10 also. I'm
20 sorry.

21 MR. ROMNEY: I object to 10. It's not been
22 identified. Eleven, let me see.

23 (Multiple voices.)

24 MR. ROMNEY: No objection, Your Honor.

25 MS. LANCASTER: To No. 11?

1 MR. ROMNEY: Ten. Oh, excuse me, 11. I object to
2 10.

3 MS. LANCASTER: Okay, Your Honor, I would ask --

4 JUDGE STEINBERG: Mr. Pedigo?

5 MR. PEDIGO: No objection on No. 11.

6 JUDGE STEINBERG: Okay, No. 11 is received.

7 (The document referred to,
8 previously identified as
9 Enforcement Bureau Exhibit No.
10 11, was received in evidence.)

11 MS. LANCASTER: For the record, Your Honor, I
12 would like to explain that Exhibit 11 is just a printout of
13 the database kept in the FCC's Gettysburg office and
14 contains the information that is also printed out on Exhibit
15 10, on the paper copy of the license, with a little bit of
16 additional licensing information that they would have gotten
17 off of the application for that license, but it's basically
18 the same information.

19 JUDGE STEINBERG: Okay. On 10, with respect to
20 the objection, Mr. Brasher did identify page 1 of that as
21 being the license issued as a result of the application that
22 was in 9, and he thought that the handwriting on it was his,
23 but what he had a problem with, I believe, was he didn't
24 know whether this was something that Mr. Black had faxed or
25 they had faxed to Mr. Black.

1 So why don't we withhold any judgment on No. 10
2 because it should probably come in without the handwriting
3 and without the fax notation as the license that was issued.
4 But I think the problem that you have with it was the
5 handwriting and with the testimony as to the faxing back and
6 forth, am I right?

7 MR. ROMNEY: Well, Your Honor, I think it's a
8 little bit more than that.

9 JUDGE STEINBERG: Okay.

10 MR. ROMNEY: I think what Mr. Brasher said was he
11 didn't -- he never received that in his file, the license
12 from the FCC on the Ruth Bearden.

13 JUDGE STEINBERG: No, I think he was talking
14 about --

15 MR. ROMNEY: And he is guessing that this was, you
16 know, one that would have been issued by the FCC.

17 JUDGE STEINBERG: I think he was talking about the
18 handwriting, that he had never seen the handwriting on it
19 before, but let's skip over 11 until we, you know, we may
20 need Mr. Black's testimony.

21 MR. WILSON: Ten, 10, Your Honor.

22 JUDGE STEINBERG: You're right, 10. We may need
23 Mr. Black's testimony or some additional testimony or we may
24 just withdraw the handwritten notation.

25 MS. LANCASTER: Your Honor, for the record, I

1 disagree. I think that Mr. Brasher has already testified
2 that he identified the fax notation at the bottom of 10 as
3 being from Metroplex, that is their fax number. He
4 identified it as being off of his fax machine. He also
5 identified the handwriting as being his own handwriting.

6 JUDGE STEINBERG: But then there was --

7 MS. LANCASTER: He doesn't recall sending it.

8 JUDGE STEINBERG: Right, then there was testimony
9 about where it was sent. Is that my --

10 THE WITNESS: This is not familiar to me.

11 JUDGE STEINBERG: When you say "this," you're
12 pointing to the handwriting?

13 THE WITNESS: Yes, sir.

14 JUDGE STEINBERG: So forget about the handwriting.

15 THE WITNESS: Yes, sir.

16 JUDGE STEINBERG: Is the rest of Exhibit 10
17 familiar to you as the license that was issued to you?

18 THE WITNESS: No.

19 JUDGE STEINBERG: Not issued to you, issued to
20 Ruth Bearden as a consequence of the application, Exhibit 9?
21 Exhibit 9 was the application.

22 THE WITNESS: No, because we never received this
23 at that address, which is my home address. We never
24 received cards or this license. It never came to us.

25 MS. LANCASTER: Okay.

1 JUDGE STEINBERG: You're talking about page 1 of
2 Exhibit 10?

3 THE WITNESS: Ten. And Judy asked me if that was
4 our fax number, and it is our fax number. That's what she
5 asked.

6 JUDGE STEINBERG: Is this in Exhibit 19 somewhere?

7 MS. LANCASTER: I'll have to look.

8 JUDGE STEINBERG: Okay, let's skip over it, come
9 back to it.

10 MS. LANCASTER: Well let me ask another question
11 about it.

12 JUDGE STEINBERG: Because the testimony that he
13 just gave is different from the testimony he gave when he
14 answered Ms. Lancaster before. But the record will speak
15 for itself. Whatever the transcript says, it says.

16 BY MS. LANCASTER:

17 Q How about page 2 of Exhibit 10, Mr. Brasher, do
18 you recognize that?

19 A No.

20 Q On the bottom of page 2 there is a fax stamp.

21 A I see that number.

22 Q Is that also -- do you recognize that as being
23 from Metroplex Two-Way?

24 A That fax number is Metroplex Two-Way fax number.

25 Q Okay. Page 3 of Exhibit 10, do you recognize

1 that?

2 A No.

3 Q Page 4 of Exhibit 10, do you recognize that?

4 A No.

5 Q Page 5 of Exhibit 10, do you recognize that?

6 A No.

7 Q Let's go back to Exhibit 9. Did you direct John
8 Black to prepare this application in the name of Ruth I.
9 Bearden?

10 A Yes, but not like it's -- page 8 is, yes. Page 8
11 would have been a 10 instead of 9.

12 Q Okay. Well, let's go to page 3 first.

13 A Okay.

14 Q Let's look at page 3, which is the first page of
15 the FCC 600 main form. Did you direct him to put Ruth I.
16 Bearden as the applicant?

17 A Yes.

18 Q And did you direct him to give the mailing address
19 of 224 Molina?

20 A Correct.

21 Q Okay. So is the information on page 3, is that
22 correct?

23 A I don't know if the address of John Black's is
24 Santa Fe --

25 Q Okay.

1 A -- because he had three different addresses at
2 three different times.

3 Q Okay, so you can't say for certain what Mr.
4 Black's address was at that time?

5 A Correct.

6 Q Okay. How about go to page 4. Aside from Mr.
7 Black's address, everything was correct on page 3, is that
8 my -- is that your testimony?

9 A Correct.

10 Q Okay, page 4. Is page 4 completed as you
11 instructed Mr. Black to fill it out? Did he do it as you
12 instructed him to?

13 A Correct.

14 Q Okay. And I believe you have already stated you
15 signed and dated the application?

16 A Correct.

17 Q Did you submit the application -- after you
18 executed it with Ruth Bearden's name, did you send it back
19 to John Black or what did you do with it?

20 A The mobile counts were changed and it was sent
21 directly to PCIA.

22 Q Okay. You sent it to PCIA?

23 A Yes.

24 JUDGE STEINBERG: What is PCIA?

25 MS. LANCASTER: PCIA is the frequency -- I'm

1 sorry.

2 BY MS. LANCASTER:

3 Q What is PCIA, Mr. Brasher?

4 A It's a coordination -- it does -- one of the
5 agencies that does coordination for FCC.

6 Q Would that be a frequency coordinator?

7 A Yes.

8 Q Okay. Do you know what PCIA did with the
9 application?

10 A Well, they -- like they entered it in because I
11 picked up from them the frequency number, frequency -- the
12 number that they use to log them in.

13 Q Okay. Turn to page 5 of the application -- of the
14 exhibit, I'm sorry. The number that you are referring to,
15 is that down in box number D-14, frequency coordination
16 number?

17 A I'd have to look at my letter, but I believe it
18 is.

19 Q Okay, and that's the number that PCIA assigns to
20 applications when they receive it?

21 A Yes.

22 Q Is that your understanding?

23 A Yes.

24 Q Did PCIA then submit this application to the FCC?

25 A I would have to assume they did because -- we

1 asked them not to, but they did.

2 Q But when you sent it to them directly, you were
3 requesting that they do -- that they send it in --

4 A Yes. Yes.

5 Q -- to the FCC, weren't you?

6 A That's correct.

7 Q Okay.' And you subsequently changed your mind, is
8 your testimony?

9 A Correct.

10 Q Okay. What day did you change your mind?

11 A It was in July of '96, because I received -- I
12 called and they gave me the advisory number, and I asked
13 them what -- I told them what I wanted to do. They said
14 write a letter and address it to PCIA, and I think it was
15 Dawn Daniels or Daniels or something like that, which they
16 say she would handle the account.

17 Q Okay, I'm going to ask you a little more about
18 that in a minute.

19 A All right.

20 Q But I want to go back to page 2 of the exhibit.
21 There is a copy of a check payable to the FCC in the amount
22 of \$75 which purports to bear the signature of Patricia A.
23 Brasher. When you sent the application in to PCIA, did you
24 accompany the application with this check?

25 A The check went --

1 Q Did you send a check also?

2 A Yes. Yes.

3 Q And the \$75 was in payment of what?

4 A FCC license fee.

5 Q Okay. And who signed the check?

6 A That, I'm not sure of.

7 Q Did you sign it?

8 A No.

9 Q Did Patricia Brasher know that you were sending in
10 a check to pay for an FCC license in the name of Ruth
11 Bearden?

12 A I would say I do not know. I'd have to find out.

13 Q Did you not consult her before you sent in this
14 application?

15 A I might have.

16 Q You don't recall?

17 A No, I don't recall.

18 JUDGE STEINBERG: How did this check come to be
19 written? Do you know?

20 THE WITNESS: The signature is not necessarily
21 Pat's. Sometimes Sue was authorized to sign.

22 JUDGE STEINBERG: Lutz.

23 (Away from microphone.)

24 THE WITNESS: Lutz, and she could sign her check.

25 JUDGE STEINBERG: Okay. Would Ms. Lutz sign a

1 check for \$75 made payable to the FCC if either you or
2 Patricia didn't tell her to do it?

3 THE WITNESS: No, she would not. She would have
4 to call Pat to do it.

5 JUDGE STEINBERG: So whether this check was signed
6 by Pat or by Ms. Lutz, either you or your wife instructed
7 her to do it.

8 THE WITNESS: Correct.

9 JUDGE STEINBERG: And if it was done by Pat, then
10 she either did it on her own or you told her -- you asked
11 her to do it --

12 THE WITNESS: Yes, sir.

13 JUDGE STEINBERG: -- because I know husbands don't
14 tell their wives to do anything.

15 THE WITNESS: That's right.

16 JUDGE STEINBERG: They ask them.

17 THE WITNESS: That's correct. That's right.

18 MR. ROMNEY: Are you taking judicial notice of
19 that, Your Honor?

20 (Laughter.)

21 JUDGE STEINBERG: Every day.

22 BY MS. LANCASTER:

23 Q Mr. Brasher, do you recall giving a deposition on
24 11-28 -- I mean, November -- excuse me, November 29, 2000?
25 Do you recall me taking your deposition?

1 A Yes, ma'am.

2 Q I'm going to show you a part of that deposition
3 taken on 11-29, page 183. Well, let's see, 182 is where we
4 probably need to start. Well, maybe before then. Hold on.

5 Page 181, I start asking you about your wife's
6 areas of responsibilities, and I'll let you read that to
7 refresh your memory, but the part that I am particularly
8 interested in you reading is line 2 through 4 on page 183.
9 Would you just look that over?

10 A 183?

11 Q You can start at 181 to kind of get into it.

12 JUDGE STEINBERG: Let me also tell the witness if
13 there is anything -- you want to read anything before that
14 or after that feel free to do so.

15 THE WITNESS: All right, sir.

16 JUDGE STEINBERG: Any of those page.

17 MS. LANCASTER: And I need to change. That's not
18 line 2 through 4; it's line 5 through 7.

19 (Witness reviews document.)

20 THE WITNESS: What was the specific line, Judy?

21 BY MS. LANCASTER:

22 Q On page 183, line 5, I ask you, "Was she," and I'm
23 referring to Pat, your wife, "Was she aware that a license
24 was being applied for in the name of Ruth Bearden?" And
25 line 7, you said, "Yes." Do you recall that?

1 A Yes. Mm-hmm.

2 Q Okay. So when I asked you now if Patricia knew
3 you were filing -- you were sending in an application in the
4 name of --

5 A Mm-hmm.

6 Q -- Ruth Bearden, the answer would be she did know,
7 is that correct?

8 A She did know it. From this right here, yes.

9 JUDGE STEINBERG: When you say "from this right
10 here," let the record reflect that Mr. Brasher is referring
11 to page 2 of Exhibit 9.

12 THE WITNESS: I do not know if she signed that
13 check, but you know.

14 BY MS. LANCASTER:

15 Q But she knew that a check --

16 A Yes.

17 Q -- was going to accompany a license application in
18 the name of Ruth Bearden?

19 A Correct.

20 Q And she knew that this check, which has a notation
21 on it, Ruth I. Bearden, was the check that was going to
22 accompany the license application, is that correct?

23 A Correct, if it was given her that this was what
24 this was for, but I'm sure it was.

25 Q Okay.

1 A And there should be some notation someplace, I
2 would think on the check, you know, but I don't see it
3 anywhere.

4 Q Well, the notation, there is a notation for Ruth
5 I. Bearden on the check. Look in the middle of the --

6 A Yes, I see that.

7 Q -- table.

8 A Yeah.

9 Q Do you see that?

10 A Yes, but like someone who would sign it for her
11 would put some symbol on the check someplace, but I do not
12 see it.

13 Q That would be if someone else signed it --

14 A Yes.

15 Q -- they would make that little --

16 A Little --

17 Q Like put their initials or something.

18 A Or some little, old symbol that they had -- they
19 had worked out.

20 Q Okay.

21 A But I don't see it.

22 Q So that if there is no symbol on the check, that
23 would indicate to you that Patricia actually signed this
24 check?

25 A Not necessarily because someone may not put the

1 symbol there, you know.

2 Q Well, Patricia was in charge -- Patricia
3 reconciled these checks, didn't she, each month? She was in
4 charge of expenditures, is that correct?

5 A These checks will be in a package from the bank
6 and come to us, and they would bundle them up and sent them
7 to Jim Sumpter.

8 Q So are you saying that no one went through the
9 checks to make sure the checks weren't being forged?

10 A That I do not know.

11 Q You have never gotten any indication from your
12 wife that there was a problem with this check, have you?

13 A No.

14 Q Now, Mr. Brasher, I think you have already looked
15 at Exhibit 12, which was the death certificate for Ruth
16 Bearden, and it indicates on the death certificate that she
17 died in April 22, 1991. What was her health like before she
18 died?

19 A She was -- she was in a coma, and I don't know
20 exactly how long it was, I'm not sure, but she was in a
21 coma.

22 Q She was in a coma for years prior to her death, is
23 that correct?

24 A Years? That I'm not -- I'd have to look at the
25 time she went to the hospital, and from there and the time

1 she was confined to the hospital.

2 Q She had a stroke, is that right?

3 A Yes.

4 Q And when did she have the stroke?

5 A In -- I think it was either '89 or somewhere
6 along through -- I'm not -- I'm not positive on that.

7 Q And was she -- was she competent after she had the
8 stroke?

9 A Correct.

10 Q When did she become mentally --

11 JUDGE STEINBERG: Wait a minute. What was the
12 answer? The question was, was she competent?

13 MS. LANCASTER: Competent, mentally competent.

14 JUDGE STEINBERG: Did you understand the question?

15 THE WITNESS: Yes, sir, she was.

16 JUDGE STEINBERG: All right. So after she had the
17 stroke, she was mentally competent?

18 THE WITNESS: Correct.

19 BY MS. LANCASTER:

20 Q When did she become mentally incompetent?

21 A I'd have to look at the records. I do not know,
22 Judy.

23 Q Do you remember telling me that she was in a coma,
24 you thought, for two years prior to her death?

25 A Two years. It could be two years, but we would

1 still have to look at the record to get the exact date that
2 she was --

3 Q Okay, but does that sound about right to you?

4 A Yes.

5 Q I understand that's an estimate.

6 A Yeah, that was an estimate even there too.

7 Q Yes, but you recall telling me that?

8 A If it's in that deposition, that was said.

9 JUDGE STEINBERG: Well, let's forget about whether
10 he recalls telling you that.

11 MS. LANCASTER: Okay, I'll switch.

12 JUDGE STEINBERG: I mean, unless he recalls
13 whether she was in a coma for about two years.

14 THE WITNESS: Okay.

15 MR. ROMNEY: I object, Your Honor, only on the
16 basis that I believe that by 1996 she's still dead. She
17 died in '91, and I can't imagine how this has any relevance,
18 what her mental condition was from '89 to 1991.

19 MS. LANCASTER: Your Honor, I think it might have
20 relevance to testimony that will be coming in later.

21 JUDGE STEINBERG: Let's -- okay, let's -- we'll
22 get the answer to the question and then we will see if it
23 comes in later. And if it does, then it's relevant. If it
24 doesn't, it's not. Okay, but I didn't get the answer.

25 MS. LANCASTER: Well, I thought you said you

1 didn't want him to guess now. I'm trying to show, Your
2 Honor, that you --

3 JUDGE STEINBERG: Well, that's fine, if you want
4 to refresh Mr. Brasher's recollection.

5 MS. LANCASTER: Okay.

6 BY MS. LANCASTER:

7 Q Your deposition of 11-29-2000, page 115, line 18.

8 A Probably a year or maybe so, maybe a couple.

9 Q Maybe a couple of years?

10 A It said, "Probably a year or maybe so."

11 Q Or maybe a couple?

12 A Couple, yes.

13 JUDGE STEINBERG: Okay, now, is it your testimony
14 today that your mother was in a coma --

15 THE WITNESS: Probably a year.

16 JUDGE STEINBERG: -- for probably a year and
17 perhaps two?

18 THE WITNESS: Two; yes, sir.

19 BY MS. LANCASTER:

20 Q Mr. Brasher, why did you put -- why did you apply
21 for a license in the name of your dead mother?

22 A It was a request by -- my mother had dealings with
23 her brothers in the years in the past, and it was requested
24 there from one of her brothers that this -- I guess you
25 might want to say keep the assets that at that time was

1 talked about with radio equipment in.

2 Q I'm not sure I understand that response. Let me
3 ask a few specific questions. One of the brothers requested
4 that you file an application in the name of Ruth Irene
5 Bearden, is that how I am to understand you to say?

6 A True, that's correct.

7 Q And that license was to be used for any particular
8 reason, for any purpose?

9 A Sand and gravel.

10 JUDGE STEINBERG: I didn't hear that.

11 THE WITNESS: A sand and gravel haul.

12 BY MS. LANCASTER:

13 Q What was the name of the brother that made that
14 request to you?

15 A Ed Bearden.

16 Q Why didn't you just apply for a license on behalf
17 of Ed Bearden?

18 A In the latter part of the '30s, and this is what I
19 understand from him, there was a conviction, a felony
20 conviction.

21 Q So Ed Bearden was a convicted felon?

22 A In the 1930s, yes, ma'am.

23 Q Still a conviction as far as you know?

24 A Yes, ma'am. Yes, as far as I know.

25 Q And did you tell Mr. Bearden he couldn't apply for

1 a license because of that?

2 A I think he knew it himself, and I understand it to
3 be that way also.

4 Q So you knew that he could not get a license in his
5 own name. Why didn't you put one in your name? Why didn't
6 you apply for a license in your name that he could use?

7 A One in my name?

8 Q Mm-hmm.

9 A I needed my license myself in my name. If I did
10 it in Dallas -- a license, I put mine in Dallas.

11 Q And Mr. Bearden needed a license in Allen?

12 A Yes, because that's east Texas.

13 Q Why didn't you ask one of your living relatives to
14 get a license in their names that Mr. Bearden could have use
15 of the frequency?

16 A You mean back in the same -- same thing that we're
17 talking about now. Like the Sumpters, would we not? I
18 didn't do it, I just didn't do it.

19 Q Was there any reason you didn't do it?

20 A No, I didn't do it.

21 Q So this Mr. Bearden who is a convicted felon, who
22 could not get a license in his own name specifically
23 requested that you get a license in Ruth's name, is that
24 correct?

25 A Yes.

1 Q You didn't come up with that, he asked you to get
2 it --

3 A That's right.

4 Q -- in Ruth's name?

5 A That's correct.

6 Q And you agreed to do that?

7 A Yes.

8 Q Was the license to be used for the gravel trucks?

9 A Sand and gravel, yes.

10 Q Okay. Then can you tell me why it was a for-
11 profit license instead of a not-for-profit license?

12 A Pouring and gravel would be profitable.

13 Q It's not a commercial license though, it's a
14 private license, correct?

15 A We had actually wanted it to be a user license
16 because 10 doesn't do anybody any good.

17 JUDGE STEINBERG: So it doesn't do anybody any
18 good at the end?

19 (Away from microphone.)

20 THE WITNESS: You could put in a channel with 10
21 mobiles on it, somebody else can come in there and put 80 on
22 there and they'd block it out.

23 JUDGE STEINBERG: Okay. Yes, you need to speak
24 into the microphone.

25 THE WITNESS: Oh, I'm sorry. We are going to

1 repeat the answer. The question was, or I asked you what
2 the 10 was and you --

3 THE WITNESS: Why 10?

4 JUDGE STEINBERG: You came up with the 10 license,
5 the number 10, and I asked what's that.

6 THE WITNESS: A license with 10 mobiles is truly a
7 user license. You could put a repeater up with 10.
8 Somebody else can come in and put a repeater up right next
9 to it and put another 80 mobiles on it, and really you would
10 be -- I mean, it would be co-channel right there.

11 So if we really could go on a system with other
12 systems already, so we could put it on with our systems up
13 in Allen.

14 BY MS. LANCASTER:

15 Q The sand and gravel hauling business, Mr. Bearden
16 was in the sand and gravel hauling business?

17 A All of the Beardens were in sand and hauling
18 gravel.

19 Q And who were "all of the Beardens"? How many
20 people is that and who are they?

21 A Most of them are dead now, and most of them are
22 not in there, and they got out of it some time ago. All the
23 brothers at one time were in the sand and gravel business.

24 Q Well, in 1996, in June of '96, when this license
25 was applied for, who was in the sand and gravel business?

1 Was Mr. Ed Bearden in the sand and gravel business?

2 A Yes. Yes.

3 Q Was it a one-man --

4 A That's what -- he said he was, yes.

5 Q Okay. How many sand and gravel trucks did he
6 have?

7 A Upwards of eight - 10, along through there. I
8 think it was six or eight or something like that because we
9 licensed for 10.

10 Q Okay, would you look on page 8 of Exhibit 9?

11 A Okay.

12 Q It appears -- I'm looking at page 8 -- that you
13 applied for 90 mobile units, is that correct?

14 A Yes, and that was a clerical error there because I
15 did change that to 10, but it's not changed on this.

16 Q When did you change it to 10?

17 A I thought I changed it when I sent the thing in
18 because I got the copy, the client's copy in my filing,
19 which we sent to you all that had 10 on it.

20 Q Go back and say that again, please.

21 A I thought it was at the time we made the filing
22 because the 10, if you will see on the client's copy, which
23 we furnished it had marked through there and it indicated
24 10.

25 Q You said you got the client's copy back from whom?

1 A Whenever John Black and I -- I thought I corrected
2 this copy, and I know I corrected the client's copy.

3 Q Okay. If you look at Exhibit 11, the database, as
4 to the -- the FCC database records showing the license that
5 was actually granted in the name of Ruth Bearden, page 5 of
6 Exhibit 11 indicates that the license was granted for 90
7 mobile units, is that correct?

8 A That's what it says, yes, ma'am.

9 Q Okay.

10 A But I was -- I was positive, in talking to PCIA,
11 that that license was killed.

12 Q Okay. And on Exhibit 10, which I understand is
13 not into evidence yet but I want to ask about it anyway, if
14 you look on that a license was issued for 90 mobiles, is
15 that correct?

16 A That's correct. The license says 90.

17 Q Okay.

18 JUDGE STEINBERG: Is that on page 1 where it
19 says --

20 MS. LANCASTER: That's on page 1.

21 JUDGE STEINBERG: -- number of unit and then it's
22 got the two 90's there?

23 MS. LANCASTER: Yes, sir.

24 BY MS. LANCASTER:

25 Q Now, you indicated that you had tried to stop the

1 processing of this application?

2 A Correct.

3 Q Why did you try to stop the processing of the
4 application?

5 A The business -- I was informed that the business
6 no longer existed.

7 Q When were you informed of that?

8 A First, it was in -- I think it was July of '96.

9 Q Okay. Who informed you of that?

10 A I'm sure it was Ed Bearden.

11 Q Do you recall the conversation with Mr. Bearden?

12 A No. I recall him saying, you know, there is no
13 longer any business.

14 Q Okay.

15 A And so that's -- immediately I went back to cancel
16 the license.

17 Q Okay. And what did you do in order to cancel the
18 license?

19 A I called PCIA to get the frequency number, I mean,
20 the frequency advisory number. They told me. Then I asked
21 them can that license be cancelled. They said send a
22 letter, send it, and they told me exactly who to send it to.
23 And I typed up the letter. I faxed it and then mailed the
24 letter too.

25 Q Okay. Was the number sent the same day that you

1 talked to someone at PCIA?

2 A Or it might have been the day before that. I
3 don't -- I might have had to have typed it the next day. I
4 don't know whenever that part of the day. I think I talked
5 to them in the afternoon because sometime it's hard to get
6 through, and I had to leave a message and they call me back,
7 and then they had to do a little digging around. So it
8 could have been a couple of days after that.

9 Q Okay. Do you recall who you talked to at PCIA?

10 A I'd have to look in my files. I thought it was --
11 no, it wasn't Scott. One of the individuals told me to send
12 it to Dawn Daniels, and that's who I sent the letter to.

13 Q But you don't remember who you talked to?

14 A I'd have to look in my files and everything. I
15 don't really know, Judy.

16 Q Mr. Brasher, have you spent any time preparing for
17 your testimony here today?

18 A Yes, I have.

19 Q You've reviewed your files?

20 A Yes.

21 Q Have you looked back through your files and seen
22 if you had any notes regarding who you talked to at PCIA?

23 A I looked, and what I have is the letters and
24 that's it.

25 Q Okay. So you don't have anything that's going to

1 refresh --

2 A That jogs my mind.

3 Q -- your memory as to who you talked to?

4 A No, nothing there that jogs my mind.

5 Q Okay. And so you just don't remember, is that
6 basically correct?

7 A That's correct.

8 Q Okay. So looking back at your files, it's not
9 going to make you remember, is it?

10 A I don't know. I may have to dig through there and
11 just keep digging. I may be able to come up with something.

12 Q Have you not reviewed all the documents in your
13 possession regarding this matter?

14 A Yeah, but not in that detail.

15 Q If you would look at Exhibit 14.

16 (Pause.)

17 BY MS. LANCASTER:

18 Q Did you find Exhibit 14?

19 A Yes.

20 Q Do you recognize that document?

21 A Yes. Yes, ma'am, I do.

22 Q Can you identify it for the record?

23 A This is the fax sent to Dawn Daniels to PCIA.

24 MS. LANCASTER: Okay, I would ask that this
25 Exhibit 14 be admitted into evidence.

1 MR. ROMNEY: No objection.

2 JUDGE STEINBERG: Mr. Pedigo?

3 MR. PEDIGO: No objection.

4 JUDGE STEINBERG: Exhibit 14 is received.

5 (The document referred to,
6 previously identified as
7 Enforcement Bureau Exhibit No.
8 14, was received in evidence.)

9 BY MS. LANCASTER:

10 Q And I notice that the letter -- there is a cover
11 sheet dated 7-30-96, and then there is a letter on the
12 second page of the exhibit also dated July 30, 1996. Does
13 that refresh your memory as to when your phone call that you
14 discussed to PCIA would have taken place?

15 A It would have probably been a few days before
16 that, and then they had to give me back the coordination or
17 the number, I would say the control number. They had to dig
18 that up for me. It could have been two or three days before
19 that. I don't know.

20 Q So sometime in June, you suspect?

21 A Or early part of July.

22 Q Okay.

23 (Pause.)

24 THE WITNESS: I did get the impression from PCIA,
25 if I got the letter in, it would be cancelled.